

THE BOSTON MORNING POST.

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SATURDAY MORNING, MAY 31, 1834.

PRICE \$6 PER ANN. IN ADVANCE.

POETRY.

SONG OF THE IRISH MAIDEN.

You know it, now—it is betray'd
This moment, in mine eye—
And in my young cheek's crimson shade,
And in my whisper'd sigh—
You know it, now—yet listen, now—
Though ne'er was love more true,
My plight and troth, and virgin vow,
—Still, still I keep from you,

Ever—

Ever, until a proof you give
How oft you've heard me say,
I would not even his empress live,
Who could me away,
Without one effort for the hand
In which my father's graves
Were hollow'd by a despot hand
To darkly close on slaves—

Never!

See! round yourself the shackles hang,
Yet come you to the 'selves' bonds,
That only he may soothe their pang,
Or hide their links in flowers,
But try all things to snap them, first,
And should all fail, when tried,
The fated chain you cannot burst,
My twining arms shall hide—

Ever!

URIARTE, THE CATALANIAN BANDIT.

(In a late number of a Spanish periodical, we find the following curious particulars of the celebrated robber and assassin, Venceslas Uriarte, who some time ago expired his crimes on the scaffold.)

On the road leading from Barcelona to Valencia, is a place known by the name of the Col de Balaguer. It is a narrow defile, running between the sea and a chain of hills, and is overhung by pointed rocks. In one part, this path forms an elbow, and numerous crevices and detached masses of rock afford secure hiding places for robbers. The Col de Balaguer has been the scene of numerous murders; and six crosses planted at intervals, inform the traveller that in that spot, many Christians have perished, without receiving the holy sacrament.

All these murders have been accompanied by circumstances remarkable in themselves, but still more extraordinary from their similarity. The first victim who was discovered to have perished in the Col de Balaguer was a wealthy merchant, who, in the month of March, 1828, was proceeding from Lerida to Tortosa. He travelled alone, mounted on his mule, and a mendicant friar found him lying dead in the Col de Balaguer; he was bathed in blood, and his forehead was perforated by a pistol ball, almost precisely between the eyes. He had been robbed of his money, and some jewels which he had with him; but his portmanteau, containing some linen, was left unopened. It was remarked, not without some surprise, that a curiously carved wooden cross was placed in the arms of the murdered man. The officers of justice instituted the most vigilant search and inquiry, but no trace of the offenders could be discovered. Five murders were successively committed in the same spot, and the victims were all shot with nearly the same precision, and in every instance a wooden cross was found lying near the body.

These crimes were committed at intervals very close upon each other. On the eve of the festival of St. Hilarius, 1828, Don Sebastian Aravedro, a merchant, who had been to Barcelona to sell some Segovia wool, was murdered in the Col de Balaguer, on his way from Segovia to Murcia.

On the Sunday after Easter, 1829, Don Juan Andras Escoriaza, who was proceeding on some mercantile business to Tortosa, was murdered in the same spot.

On the 24th of February, 1830, a pedlar named Toamero, who used to hawk his wares in Navarre and Catalonia, was journeying to Tortosa, where he intended procuring a boat to convey him up the Ebro, was assassinated in the same place and in the same manner.

A week before All-Souls-day, 1830, Antonio Paquito to Dirba, a smuggler, who had that same morning fraudulently introduced in the neighborhood of Balaguer, a quantity of contraband tobacco, was found murdered, in the fatal defile. It appeared that he had been taken, so as to have been unable to defend himself—for arms, ready loaded, were found on his person.

On the 14th of January, 1831, the body of an unfortunate traveller, named Nervas-y-Alaves, was found in the defile. He is supposed to have been the last victim of the redoubtable bandit Uriarte.

The Col de Balaguer has long enjoyed a fearful celebrity, and is generally shunned by the inhabitants of the neighboring country. Some of the peasantry have declared that on the spots where the bodies of the murdered persons were interred, flowers were occasionally strewed by an unknown hand. It was affirmed that in the twilight of evening, a tall figure had been observed kneeling before the crosses; but that it vanished whenever any one attempted to approach. A sort of superstitious terror pervaded the place, and none of the country people were bold enough to venture there alone after sunset.

Though all attempts to fix upon the criminal proved fruitless, yet strong suspicion was directed against Venceslas Uriarte. This man was not a native of the province of Catalonia; and nothing was known of his life and habits previous to his going there. It was indeed said that before the revolution of 1822, he had been an *Alcayde* (a jailor) in some of the prisons of the Inquisition. He had likewise served in the army of the Faith, and had subsequently taken up his abode in the neighborhood of Tortosa. No one knew what were his means of subsistence, and yet he lived in affluence. Notwithstanding his professions of piety, he was generally regarded as vindictive and revengeful; and unguarded observations which sometimes fell from him, led to the suspicion that he was capable of imbruting his hands in blood.

One day, on being asked how it happened that so skilful a marksman he was not fond of shooting—"It is a tiresome sport," he replied—"One must run to find a hare; then when it is shot, one must run to pick it up; then one must run to sell it. It is better to wait for a man: he comes of his own accord, and when he is shot, one has nothing to do, but to rifle his wallet."

On another occasion, he quarrelled with Antonio Paquito Dirba, after they had been shooting together in the Alquezar. The origin of the quarrel was a mere trifly, yet it filled Uriarte with feelings of the most bitter animosity, and three days after, Antonio Paquito Dirba was assassinated in the Col de Balaguer.

During Lent, in the year 1832, a company of strolling players visited Tarragona, where they obtained great success by the performance of a celebrated *Auto Sacramental*, the subject of which was the decollation of St John the Baptist. Hoping to be equally successful at Tortosa, they set out for that place. Their baggage was carried by two mules; but Fernando Garcia, who played the part of St John, did not think it prudent to entrust to the care of the muleteer the false head, which was used in the decapitation scene, and which, with its moveable glass eyes, had excited no small degree of approbation among the spectators of the *Auto*. To secure it against accident, Garcia fixed it upon his own head, and in this way he proceeded on his journey. It was late in the evening, and a thick mist was rising from the sea. Garcia, who consigned himself to the

guidance of his mule, muffled his face up in his cloak, and jogged on slowly, at some distance in the rear of his companions. Suddenly, on turning the angle of a rock, the discharge of a pistol caused both him and his mule to start. While endeavouring to disengage his arms from the folds of his cloak, he saw advancing towards him a man, armed with a carbine. Garcia instantly drew his pistol.

Uriarte, (for it was he) mortified and surprised at having for the first time missed his aim, was about to retreat. But when he beheld the two heads one above the other, and the eyes of the false head rolling frightfully in their sockets, he fancied he had encountered some infernal spirit, and was seized with unspeakable terror. He took to flight; but at every step, his *aparatus* became entangled in the briars, which grew thickly on each side of the path. He attempted to climb up the rock, and for this purpose seized a *palmito*, which was growing out of one of the clefts; but the *palmito* snapped, and he fell to the ground. Meanwhile the cries of Garcia brought his comrades to his aid. They found Uriarte extended on the ground, in almost a senseless state. He was conveyed to the *Alcada* Mayor of Balaguer. On searching him, it was discovered that he wore a hair cloth shirt; and about his person were found a rosary, a prayer-book, and a lock of the hair of St. Dominic. But there were likewise found a pointed, four pistol balls, and a box containing some charges of English powder.

Uriarte, convicted by the force of the evidence, confessed his crimes. When he was asked what could have induced him to plant the sign of the redemption beside the bodies of his murdered victims, he made the following extraordinary reply:—"To sacrifice the body was a trivial matter, but to sacrifice the soul would have been a crime of the deepest magnitude. I strewed flowers on the graves of the deceased, and offered up prayers that the duration of their purgatory might be shortened. I placed beside their bodies, a cross which had been blessed, so as to help them to repel Satan, if they were not at the time of their death in a state of grace."

* The shoes worn by the peasants of Catalonia, Valencia and Grenada.

AT NO. 10, CONGRESS STREET, may be found a prime assortment of seasonable Cloths, Cassimeres, and fancy Vestings—consisting of nearly every variety of color and quality—particularly some splendid London Browns and invisible Greens.

Also—a few pieces of splendid French Blue and Blacks.

March 22 N. P. SNEELING.

NEW GOODS.—25 cases Staple and Fancy French Goods, selected expressly for our retail trade and comprising many new styles of Silks, Shawls, Prints, Muslins, etc. A liberal discount deducted from cash purchases.

E. K. WHITAKER & CO. ap 8 copis2m&is&os—\$1. Washington street.

LAND ON WASHINGTON STREET.—For sale a lot of land, pleasantly situated on Washington Street, near the corner of State and Court, of which a portion is suitable for House lots, will be sold on reasonable terms, and in lots to suit purchasers, or exchanged for houses in this city. Apply to SAMUEL R. ALLEN, 110 Milk Street. Istf. April 15

FRENCH SILK UMBRELLAS.—The subscriber has just received a fresh supply of dark silk Umbrellas, a very neat article, which will be sold very low, at No. 2 State street, near side City Hall, and 3 doors from Washington street, at 15c. Charles L. Horsman. Istf.

TO LEASE.—To a small family, a neat brick house, just completed and papered, containing a parlor, kitchen, and three chambers, on the corner of Stillman Place and Cooper street, opposite the site of the new Catholic Church. Apply at the Counting Room of EBENEZER SMITH. Istf. May 24

BEAVER HATS, CAPS, &c.—A splendid assortment of Beaver and other Hats, are kept constantly for sale by BARRY'S Commission Store, where also may be found every description of Caps, of every kind of fashion and color Gentlemen's Gloves, of various descriptions; silk and cotton Umbrellas, &c. &c. TuftsSism ap 16

BOARDERS WANTED.—Two gentlemen with their wives can be accommodated with board, in a private family, either with or without furnished rooms—likewise, three or four single gentlemen can be accommodated with board, and pleasant chambers, by applying at Mrs. FRANCES'S, Short street, South of Essex street. May 21

GLOVES; GLOVES!—Just received at No. 8 State street, north side City Hall, 3 doors from Washington street, a large assortment of horse skin, kid and goat skin Gloves.

Also Silk, Linen, Cotton and Berlin Thread Gloves of the most fashionable colors. CHARLES L. HORSMAN. May 13 Istf.

SATIN BEAVER HATS.—The subscriber has just received a large lot of the above beautiful article—which he invites his friends and the public to call and examine at No. 3, State street, north side, 3 doors from Washington st. CHARLES L. HORSMAN. Istf. ap 26

SILVER SPOONS AND BRITANNIA WARE.—A prime assortment, just opened at A. CUTLER'S, No. 217 Washington street, opposite Franklin street.

Also a fresh assortment of Watches of all kinds, which will be sold low and warranted for time. ap 19

LETTER PAPER, \$3.50 PER REAM.—A further supply of Ames's beautiful Satin Surface Letter Paper this day received and for sale at the low price of \$3.50 per ream, by JOHN MARSH, 84 Washington street. May 24

HARDWAREMAN'S PAPER.—Of superior quality, made in imitation of the English. For sale at 96 & 98 State street. Mar 19

CHAMPAIGNE BRANDY.—4 1/2 pipes, entitled to debenture, for sale by JAMES LEEDS, Jr., & CO. 18 Long wharf. March 19

PERUVIAN BARK.—10 bales best quality Quilled Bark, for sale by LOWE & REED, 24 and 92, Merchants Row. Istf. ap 9

BANK CHECKS.—Of the Commonwealth and Merchants' Banks, constantly on hand, and for sale at this Office. ap 19

FRESH ZANTE CURRANTS AND FILBERTS.—For sale by JAMES ANDREWS & SON, No. 3, Central Wharf. Istf. 11

SILVER SPOONS.—A good assortment of Silver Table and Tea Spoons on hand, will be sold very low, marking gratis, at BRUCE & CO.'s No. 235 Washington st. d 28

STRAW BONNETS.—Bark Skivers—Gold Leaf—and a general variety of the best quality stock, for sale by JOHN MARSH, at the Bookbinders' Stock Warehouse, 84 Washington street. feb 27

SMYRNA AND CONSTANTINOPLE WOOL.—Of different qualities.

Also—Champagne Wine, Gums, Yellow Berries, Coffee. For sale by JAMES ANDREWS & SON, Istf.

LEMON SYRUP.—Of very superior quality manufactured and for sale on such terms as to make an object for purchasers to call before buying. A. BOYDEN, Hancock street. Aug 15

FOR SALE.—On reasonable terms, 4000 feet of trunks, suitable for the Southern and Western markets, and in good order, by JOSEPH SWAN, at his Factory, near Warren Bridge. Charlestown, March 17. ff

PIPE AND HHD. STAVES—12.700 White Oak Pipe Staves—13,900 do do do do, of schr. South Boston, from Murfressboro, N. C. For sale by F. E. WHITE, 22 Long Wharf. mar 23

CHAMPAIGNE BRANDY.—10 pipes, entitled to debenture, for sale by JABEZ HATCH, Jr., 69 Congress street. feb 13

STOCK FRAMES.—1 card Stock Foundations, just received and for sale by JABEZ HATCH, Jr., 69 Congress street. feb 13

SAIAH FAXON'S WHOLESALE & RETAIL BONNET STORE.—No. 91, Court street, 2d door from Concert Hall. 3m. mar 23

GOLD LEAF.—Constantly for sale by JOHN MARSH, 84 Washington street, Gold Leaf of the best quality, at the Manufacturers' prices.

On another occasion, he quarrelled with Antonio Paquito Dirba, after they had been shooting together in the Alquezar. The origin of the quarrel was a mere trifly, yet it filled Uriarte with feelings of the most bitter animosity, and three days after, Antonio Paquito Dirba was assassinated in the Col de Balaguer.

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A NOTHER LOT of those splendid French TUSCANS mentioned in this market—comprising about 140 Different Patterns, just received and will be opened this morning. Purchasers by the dozen or single will do well to call, as they will be offered as low as the lowest, by ALEXANDER H. PRESCOTT, 345 Washington st. May 3

WALLETS AND POCKET BOOKS.—MARS, No. 133 Washington street, have just received a supply of CALF SKIN POCKET BOOKS and WALLETS, a variety of patterns, from Lord's Manufactury, and very neat—persons in want are invited to call—april 30 epw

15 Pipes Eng. Linseed Oil—65 bbls Dutch Linseed Oil—25 lbs Spirit Turpentine—12 do Copal Varnish, with a general assortment of Paints, Drugs, Dye Stuffs, Surgical Instruments, &c. for sale by FLETCHER & HAYWARD, 2 India street.

FOR SALE—A double Power Printing Press, made in the best style, and warranted to be in perfect order. For further particulars inquire of N. WILLIS, No. 19 Water street, m 6.

PAPER.—For sale—a lot of paper of the same size and quality on which this paper was formerly printed—comprising about 150 reams, which may be had on reasonable terms, to apply at this office. may 27

STRAW BONNETS.—A large assortment of Dunstable, Eleven Braid and Tuscan Bonnets, for sale by the case, dozen or single, by ISAIAH FAXON, No. 91 Court street, 2d door from Concert Hall. 1m mar 28

FOR SALE OR RENT.—A two story wooden House, in Roxbury opposite the old Punch Bowl Tavern, very convenient for a small family. Apply at SPEAR'S Real Estate Office, 15 Exchange st. mar 11

SUPERFINE CLOTHING.—Superfine Dress and Cravats, &c. at unusually low prices for cash, at C. DYER'S, 37, Court street, opposite the New Court House, now building. mar 7

EAR ORNAMENTS, FINER RINGS, &c.—WARREN THAYER, No 22 Hanover street, has on hand and for sale low, a large assortment of Jewelry—good goods, Perfumery, Hair work, &c. &c. may 12

REFINED CIDER.—25 bbls superior Hallowell Cider, for bottling—10 bbls first rate Hartford refined Cider, for bottling—16 bbls Draught Cider—just received—for sale by S. E. BENSON, No. 42 Commercial street.

april 5

WALLETS, POCKETS BOOKS, &c.—An assortment of Wallets, Pocket Books, Memoranda, and Port Folios may be had at low prices, at 96 and 98 State street. OLIVER HOLMAN. ap 22

GENTLEMEN.—In want of good comfortable articles of wearing apparel adapted to the present season will do well if they recollect the number, No. 10 Congress street, 5 doors from State street. N. P. SNEELING. ap 13

SHERRY WINE.—4 Hhd. & 25 qr Casks Old Sherry Wine, Entitled to debenture, superior article Old Sherry's Brand, WO—XXX—B. For sale by JOHN TYLER, at 9 N. Central wharf. 1m 6

SATURDAY, MAY 31, 1834.

STENOGRAPHIC GLIMPSES OF CONGRESS—No. 151.

*Washington, May 26th, 1834.—Nos 149 and '50, of my Glimpses, (the one in embryo, and the other in nubibus,) are "laid on the table;" to be disposed of like nuts in an ape's jaw, "first mouthed, last swallowed." Congress, you know, took a recess on Friday and Saturday; which may be termed *sans culottes*, or days without breeches; so I can say nothing about Nicholas or his breeches-pocket on those days—and, for the present, "of and concerning" (two "miserable prepositions" of which Horne Tooke says he was a victim,) Friday and Saturday, I shall say nothing for the present.*

To go back to yesterday, in order to fill a meagre sheet to-day, I must remark that the "cold water society" took a benefit yester evening, through the politeness of a very respectable thunder-storm. The curtains rose at early candle-lighting: and Jove, Eolus, Aquarius, Sagittarius, and Dr Sangrado, have continued their performances (with the exception of a slight interlude by Sol this morning) ever since. So much for the weather. Now for the two Honorable Houses. Very little was done in either to-day.

In the House, Mr. Plummer made a long, witty, and humorous speech, under "Foote's Resolution," I believe.

Various, That the mind of desultory man Studies of change, and pleased with novelty, Might be indulged.

The rest of the day was passed then in memorials and petitions. In the early part of the day, a few beauties graced the gallery: but the darkening clouds warned them of another sprinkling, and they took themselves straightway from Eden, without shedding a "natural tear."

In the Senate, Mr. Kane made, or rather concluded, his speech on the Pension Fund, showing that the Bank had no authority to control it; but that it was under the exclusive direction of the Secretary of War, as money appropriated, to be disbursed by the Secretary as the agent of the Government, or rather under his direction.

Mr. Bibb spoke on the subject; but took a different view of the matter. Mr. Wright made a few observations; and Mr. Calhoun also spoke. The object of the opposition is to sustain the Bank in its arrogance;—and they will still persist in it, right or wrong. It is a very desperate case, indeed, that will not bear an argument; and the Whigs seem most disposed to enter the lists in all desperate cases. But what will the old pensioners say?

The Report of the Bank Committee has made no little talk. The Whigs seem to think that Biddle need not mind any process from Congress for his "contempt;" but what did the Hero of New Orleans do—then a Major General of the United States, surrounded by a victorious army, every man of which

Would take his very humor for a warrant, To break into the bloody house of life, And, on the winking of authority, Would understand a law—

what did Old Orleans do, when summoned before "Habeas Corpus Frontenac" (the Judge of the District Court) for contempt? He presented himself, with all the humility of the humblest citizen, and without being permitted to make any defense, paid his "THOUSAND DOLLAR FINE" into the scales of justice! ("Heaven save the mark," said *protected* the Court from the indignation of the mob, while it was declaring its judgment, and executing its sentence. Here's a precedent for Nicholas Biddle; but will gentlemen, who preach to mobs, advise him to follow it?

We leave these inquiries to be settled by time, which brings about all things. It is worthy of remark, by the way, and not malapropos, that it is but a short time since that the opposition—Whigs—I beg their infernal pardon—threatened to sit the summer through; and now they threaten to adjourn! *O he jam satis!*

The President sent a message to-day to the House, on the subject of claims for services, by the heirs of Baron de Kalb and Rochambeau. We shall hear more of this hereafter; for the present I must bid you good night, after just mentioning that there was a meeting appointed this evening for the benefit of the Poles. *Sic transit Munday.*

REIS EFFENDI.

Latest from Ireland.—By the arrival, of the ship Great Britain, from Londonderry, we have received the Dublin Evening Packet of the 24th of April, and the Londonderry Sentinel of the 26th but they present no intelligence except such as is of an exclusively local character.—N. Y. Com.

*Great disturbances had prevailed at Birr, in the King's county, between two parties of Roman *Catholics*, and kept that town in confusion for some time past. It is the continuance of an ancient feud, unconnected with politics. Batteries and burnings were also frequent in the county of Tipperary.*

Dr. Verschoyle Bishop of Killala, died recently at the age of 85.

Londonderry, April 26.—Flashed.—Sales were brisk during the last week. New American maintains its price firmly, at 32s od per hhd; old do 90; Dutch 22s a 30s per hhd, and in good demand.

From Valparaiso.—A letter received at Edgartown Mass, from an officer of the ship Merrimac of Newburyport, Mass, dated at Valparaiso, Feb. 10, 1834, states that an attack was made upon him by a band of Spaniards whilst taking in water, and part of his crew detained until he had proceeded about 60 miles, and obtained their release by an order from the commandant.

The Harpers have commenced the fulfillment of a promise, which they made some time ago, to publish a uniform, complete, handsome, and cheap edition of the writings of Mrs. Stierwood, whose works have been highly and justly appreciated by English and American readers. The moral and religious instruction to be derived from her volumes, renders a republication of them in this country a very desirable object, and should be encouraged by all who regard the purity of their fellow beings as worthy of support and promotion.—The first volume, which is now published, contains the tale called Henry Milner, in three parts, only one of which has been before published in this country.

A Round Lie.—A Mr. Rounds, who advertises that he will jump Jim Crow at the Providence Museum, has the impudence to say that he is "attached to the Boston Theatre, where he has performed for upwards of FORTY NIGHTS IN SUCCESSION, before crowded houses, in the above laudable character, with unbounded applause." He must have jumped his forty nights in the gallery, with his brother Crows, if any where.

The lovers of harmony are advised to call upon Mrs. Duchesne, at the State Museum, where Mons. and Madame Canderbeck, of New York, are engaged in giving vocal and instrumental Concerts every evening, commencing at half past 7 o'clock.

McDonald Clarke, the "mad poet," is lecturing in New York, upon his old subjects, Love and Marriage, with considerable success. He leaves N. York soon for the city of brotherly love, where he will doubtless reap a rich harvest.

Mr. Pritchard, the Kentucky giant, is still making a show of himself at Providence. He now weighs nearly six hundred pounds. He is to be in this city soon, and will take rooms at the State Museum.

UNITED STATES CIRCUIT COURT.

United States vs. William M'Loud, who was indicted for assaulting and confining, on the high seas, the person of William Cole, master of the brig Curlew. Intimately connected and blended, in fact, with this case, was another indictment, against James Braent, for endeavoring to create a revolt on the same occasion, and the admitted and uncontroverted facts in the transactions alleged, were as follows:—About 8 o'clock, in the morning, on Saturday, the 17th, while the Curlew was in the Gulf Stream, orders were given to tack ship; soon after, Braent and the mate were discovered by the captain, engaged in a scuffle—the captain went forward to see what was the matter—Braent cried out to his shipmates, to know if they would stand by and see him murdered—the captain closed with Braent, saying that he must be confined, when M'Loud caught hold of him, or at all events, shoved him away from Braent, and added that "no man should be confined on board of the ship."

They, however, succeeded in tying Braent, and confined him in the cabin, from which he escaped in the afternoon, and hid himself among the hives in the hold, where he was fed by his messmates, and was not seen by the master or mate, till the day before the vessel arrived in port. Upon the arrival of the brig, both M'Loud and Braent were arrested by the U. S. Marshall, upon a warrant issued upon the captain's complaint. The principles of law applicable to this case, are highly important, and the trial is further interesting from the extraordinary discrepancy between the testimony of the captain and mate, and that of the seamen.

M'Loud was first put upon trial, for confining the master, and the case was opened for the government, by Andrew Dunlap, Esq, who read from the 2d of Kent's Com. p. 22—"Every restraint upon man's liberty is, in the eye of the law, an imprisonment, wherever may be the place, or whatever may be the manner in which the restraint is effected." From Peters', C. C. 214, (Washington 3)—"If the captain was restrained from performing the duties of his station, by such mutinous conduct of his crew, as might reasonably intimidate a firm man, this would amount to a constructive confinement of the master, within the meaning of the law; and that it made no difference in this respect, that the master did in fact, go un molested to every part of his vessel, whenever he pleased, if he was compelled, by a regard for his safety to go armed."

"' The seizing of the Captain by the defendant amounted to an actual confinement, although the restraint continued only a minute or two—the law making no distinction as to the duration of the confinement. That the raising of the chair by the Captain, and pushing the defendant from him, did not justify the defendant in seizing the Captain;"—and from 5th Mason, 461—"If the person of the master is in fact seized, or he is in fact held in personal restraint (whether for a long, or a short time, is immaterial) it is a confinement within the meaning of the statute."*

[Witnesses for the Prosecution.]

William Cole—[master of the Curlew] I was at the helm—heard a noise forward—saw Braent's hands going in the act of striking the mate—I went forward, and before I reached the spot, I heard Braent say—"Are you going to stand by and see me murdered?" I then stepped in, but M'Loud seized me with both hands, above the hips, and threw me back from him, who was trying to get clear from the mate—M'Loud drew me from the windlass up against the camboose, and I got clear of him by the assistance of the mate—I then called upon the men to assist me in tying and confining Braent—B. said "he would be—if he'd be confined," and M'Loud spoke up, and said he'd be—if any man should be confined on board the ship.

James Bruce was at the trysail sheet—saw the blow with bucket—saw M'Loud throw the captain—heard mate say he would get his pistols, as above.

*Charles Hilton [colored, cook] heard conversation between mate and Braent, precisely as given in B's testimony—mate first struck Braent with his fist in the neck—B. faced round—mate made for a handspike, but could not reach it, and laid hold of the iron-bound bucket, and struck B.—B. brought up against the windlass, and the mate struck him with his fist in the mouth—mate came up, and caught up the bucket that the mate dropped, and made at B., saying, "who learnt you to strike an officer," and told the mate to stop, B. and the mate were clinched. The captain took a broom handle away from the mate. * * * In the forenoon I heard murder cried in the cabin—the captain and I ran down—captain asked what was the matter—mate said, "this scoundrel has been giving me some of his lip." B. was laying on the chest, bleeding—mate was standing before B. with a heavy roll of seizing in his hand, and the captain took it away from him—B. asked me to tell his shipmates how he was abused—In the afternoon he was missing, we all looked for him—I looked under the mate's berth, as I thought the dead body might have been stowed away there.*

Cross-examined—M'Loud said, "do you mean to murder the man?"—The mate first made for a handspike—B. prevented him—mate then took the bucket, and struck—captain then got hold of the bucket—the mate then got hold of a handspike.

The captain and mate were now called to the stand, and asked if they still adhered to their former testimony, notwithstanding what they had heard from the other witnesses, and they replied that they did so elsewhere.]

*Mr. Prescott relied much on the *confirmed*, connected, coherent, natural, reasonable, and therefore, credible testimony of Braent, according to whose story the mate had a *motive* for striking him, while, on the other hand, the mate did not exhibit any cause for Braent's striking first.*

Mr. P. also endeavored to show, that M'Loud's interference, when the captain was apparently about to inflict a blow, with so dangerous a weapon as an iron-bound bucket, on a shipmate, was not such a restraining of the captain as was contemplated by the statute, which had reference to a very heinous offence, which might be punished by three years imprisonment in the State Prison, together with a fine of One Thousand Dollars.

In closing the case for the prosecution, Mr. Dunlap remarked, that the captain and mate had either been guilty of the grossest oppression on board of the brig, which they had followed up by a foul conspiracy, and the blackest perjury, in court, or the witnesses for the defendant, being actuated by a mutual sympathy and identity of interests, and entertaining against the captain and mate very strong prejudices, their impressions of the events they witnessed, were consequently strongly biased, and greatly exaggerated. He also argued that their perfect agreement upon every material point, were the appearance of concert and drilling.

JUDGE DAVIS, in charging the Jury, cited authorities similar to those quoted by Mr. Dunlap, and stated, that, under the 12th section of the act of 1790, any forcible interference, whether by threats, intimidation or physical force, that prevented the captain from the free exercise of his will and motion, in the discharge of his lawful duty on board of the ship, constituted a confinement within the meaning of the statute; but if the unlawful act, such as striking a person with a dangerous or deadly weapon, a restraint of his person, then, would not amount to the offence charged; and that if they found that Captain Cole was so conducting, when the prisoner interfered, they should return a verdict of not guilty; but the Judge inclined to the opinion, upon reviewing the testimony, that the captain was not so unlawfully conducting.

After retiring for about two hours, the Jury came into court, and returned a verdict of guilty; but in consequence of the extenuating circumstances in the case, the Court only sentenced him to a fine of Two Dollars, and one month's imprisonment, though the law authorizes an imprisonment in the State Prison for three years, and a fine of One Thousand Dollars.

On Friday morning, James Braent was arraigned for endeavoring to create a revolt, but by an agreement between Messrs. Dunlap and Cushing, the case was submitted to the same Jury, without the introduction of any other evidence, law, or argument, and the Judge delivered a charge favorable to the defendant, who was acquitted at once.

** The countryman of Hamlet had not read the debates of Congress for the last session, and of course did not use St. Berry's elegant term of "elsewhere," in his blunt reply to the*

statute; and of course, it subjects the party to punishment, unless he can establish, that it was done in self-defense, or for some other legal cause."

[Witnesses for the Prisoner.]

*James Braent—I am a Dane [see mate's testimony for the induction of the quarrel] the clothes, &c. on the windlass were wet and heavy, and it took me a long time to move them all—the mate said, if I did not move quicker the next time he ordered me, he'd have me overboard—I said he "was not man enough to do it." He said "I would knock my brains out." I told him "he might knock them out of me." I was going forward, then, and he struck me on the back of my head—I slewed round and took hold of him by the collar, with my left hand—he then struck me with an iron bound bucket on the forehead [shows the scar.] After that he gave me a pair of thick lips—the captain then came and took hold of me—M'Loud rushed in and said he would not see two men upon one, and gave the captain a shove—the captain then said I must go aft—I said I would not go aft, as I belonged forward, and was ready to go to work in my place—the mate then took up a broom handle to strike at me, but the captain told him to put it down—the mate answered that he would get his pistols and blow me through the heart. * * * When I was in the state room sitting on the chest, with my arms tied behind me, the mate came down and said to me—"How do you do now—scamp?" and I told him "I was no more a scamp than he was." Upon that he took up a piece of twisted seizing, that weighed about 14 pounds, and struck at me, and I put my legs and fended him off—he then laid hold of my legs with one hand, and struck me on the head with the seizing, and the blood spurted all over the bulk-head. [B. here exhibited his shirt and vest all clotted with blood, to the Court and Jury.] I then cried out that he was murdering me—the captain and cook came down, and the captain told the mate to let me alone—and looked at my head, and said it was only scratched a little—the mate said it would do me good to lose a little blood, as it would take away my strength—I asked the cook to tell my shipmates what they were doing to me—they then said they would stop my noise, and went to work to fix the pistols—I was afraid they would murder me, and when they were gone I hid myself, and my comrades fed me secretly.*

Riley Myers [seaman] heard the threat to throw overboard, and Braent's reply, as above—saw the mate raise a handspike, and say he would knock B.'s brains out—heard B.'s answer—saw the mate strike him with iron-bound bucket—the captain came forward, but M'Loud said, "two upon one is too much," and pushed the captain aside—the captain said to B. and the mate, "both be still." B. said "yes, but keep your mate still." The captain took the handspike from the mate—I saw the mate raise the broom—B. held one of his hands over his head to fend off—mate said he would get his pistols, and blow him through the heart. The first time I saw B., after he was tied and carried below, he came out of the booby-hatch, with face and clothes

bloody.

James Bruce was at the trysail sheet—saw the blow with bucket—saw M'Loud throw the captain—heard mate say he would get his pistols, as above.

*Charles Hilton [colored, cook] heard conversation between mate and Braent, precisely as given in B's testimony—mate first struck Braent with his fist in the neck—B. faced round—mate made for a handspike, but could not reach it, and laid hold of the iron-bound bucket, and struck B.—B. brought up against the windlass, and the mate struck him with his fist in the mouth—mate came up, and caught up the bucket that the mate dropped, and made at B., saying, "who learnt you to strike an officer," and told the mate to stop, B. and the mate were clinched. The captain took a broom handle away from the mate. * * * In the forenoon I heard murder cried in the cabin—the captain and I ran down—captain asked what was the matter—mate said, "this scoundrel has been giving me some of his lip." B. was laying on the chest, bleeding—mate was standing before B. with a heavy roll of seizing in his hand, and the captain took it away from him—B. asked me to tell his shipmates how he was abused—In the afternoon he was missing, we all looked for him—I looked under the mate's berth, as I thought the dead body might have been stowed away there.*

Cross-examined—M'Loud said, "do you mean to murder the man?"—The mate first made for a handspike—B. prevented him—mate then took the bucket, and struck—captain then got hold of the bucket—the mate then got hold of a handspike.

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TREMONT THEATRE.

ARTILLERY ELECTION.

MR AND MRS SMITH'S BENEFIT.

MONDAY EVENING, June 2.
Will be performed an entire new play called
THE CARNIVAL OF VENICE!
Or—The Murderous Spell!

Due di Fontana Mr Colborn
Manfredi Barry
Orguthia (concealed under the name of Nina) Mrs Smith

After which, the favorite comic drama of the
THE BENEVOLENT TAR!
Will Steady Mr Smith

To conclude with a new Burletta, entitled
THE POTOMAC!
Or Welcome Home!

Ben Backstay Mr Conner
Tom Tough Williamson
Mancy Miss McBride

*⁴ Doors open at 1⁴ before 7 o'clock. Performances will commence at 1⁴ past 7.

Prices, 1st and 2d Tiers of Boxes 1⁴s. Third Tier of Boxes 75 cents. Pit 50 cents. Gallery 25 cents.

TREMONT THEATRE. A CARD.—MR AND MRS W. H. SMITH respectively announce to their friends and the public, that **MONDAY EVENING**, June 2d, is appointed for their Benefit, when will be acted, first time in America, an entire new play, by the author of the "Founding of the Forest," called **THE CARNIVAL OF NAPLES**. With other entertainments, comprising the full strength of the company.

N. B. The Box Book is now open. may 29

THEATRE. A CARD.—MISS DUFF'S BENEFIT.

MISS DUFF respectively announces to her friends and the public, that her Benefit will take place on **TUESDAY EVENING**, June 3, on which occasion her Mother, MRS. DUFF, will appear for that night only. may 29

BOSTON AND WORCESTER RAILROAD.

WARREN THEATRE.

ARTILLERY ELECTION.

ON MONDAY EVENING, June 2.

Will be performed, last time this season, Mr J. S. Jones' Indian Drama in 3 acts called the
FIRE WARRIOR!

Fire Warrior Mr Honpt
Ruhannah Mrs Peby

The evening's entertainments to conclude with a new Nautical Burletta, interspersed with Songs and Dances, entitled

SONS OF NEPTUNE!

Or—the Potomac in Port.

Little George (a Sailor Boy) Miss Kerr
Harry Taffrail (a Middy) Mr F. S. Hill

Jack Tack Jones
Ginger Jimmy (from Quallah Battao) Hoops

Julia Mrs Houpt
Sally Mrs Asbury

In Rehearsal a New Romantic Spectacle called the
ICE QUEEN!

1⁴ Boxes 50 cents—Pit 25 cents. *⁴ No money taken at the doors.

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